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Counsel to the Class Action Plaintiffs<sup>1</sup>

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

MM 130 Bowery Restaurant Corp.

Debtor.

Chapter 11 Case No. 14-11988-ALG

**NOTICE OF APPEARANCE**

PLEASE TAKE NOTICE that the undersigned appears for Joseph & Kirschenbaum, LLP, pursuant to the Federal Rules of Bankruptcy Procedure 2002, 3017, 7005, 9007 and 9010, and Section 1109(b) of the Bankruptcy Code, and demands that all notices given or required to be given in this case and all papers served in this case be given to and served upon the undersigned, via E-mail, to the party at the address listed below:

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PLEASE TAKE FURTHER NOTICE that, pursuant to Section 1109(b) of the Bankruptcy Code, the foregoing demand includes not only notices and papers referred to in the

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<sup>1</sup> The "Class Action Plaintiffs" are the Plaintiffs in an action styled "Patrick Westropp, on behalf of himself and others similarly situated v. MM130 Bowery Rest. Corp., Capitale Ventures I, LLC and Seth Greenberg, Case No. 13-cv-4958 (PGG), filed in the United States District Court for the Southern District of New York.

rules specified above but also includes, without limitation, orders and notice of any application, motion, petition, pleading, request, complaint or demand, whether formal or informal, whether written or oral, and whether transmitted or conveyed by mail delivery, telephone, telegraph, telex, electronic means or otherwise, which affects the Debtor or the property of the Debtor, or the administration of the Debtor's bankruptcy cases.

PLEASE TAKE FURTHER NOTICE that neither this Request for Service of Papers nor any subsequent appearance, pleading, claim or suit is intended or shall be deemed to waive the Class Action Plaintiffs' rights under the U.S. Constitution and applicable law, including (i) the right to have final orders entered only after de novo review by a federal district court judge; (ii) right to trial by jury in any proceeding or controversy so triable; (iii) right to have the reference withdrawn by the United States District Court in any matter subject to mandatory or discretionary withdrawal; or (iv) any and all other rights, claims, actions, defenses, setoffs or recoupments to which the Class Action Plaintiffs are or may be entitled under agreements, in law, or in equity, all of which rights, claims, actions, defenses, setoffs and recoupments expressly are hereby reserved.

Dated: July 11, 2014

Law Offices of Douglas T. Tabachnik, P.C.  
By: s/Douglas T. Tabachnik  
Douglas T. Tabachnik  
(Admitted in this District)  
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